UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.94
19 April 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Malta

1. The Committee considered the combined thirteenth and fourteenth periodic reports of Malta (CERD/C/337/Add.3) at its 1379th and 1380th meetings (CERD/C/SR. 1379 and 1380), held on 8 and 9 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Malta, which follows the general guidelines for the presentation of State party reports and contains an update of developments that have occurred since the consideration of the previous periodic report. The Committee expresses its appreciation to the delegation for the additional information provided during the dialogue.

B. Positive aspects

3. The Committee welcomes the amendments to the Press Act, as well as the measures envisaged by the State party to amend the Criminal Code and the Police Force Act, intended to cover aspects of article 4 of the Convention.

4. The Committee notes with satisfaction the amendment to the Citizenship Act which allows dual citizenship and entitles foreign spouses of Maltese nationals to be registered as nationals and the new law establishing procedures regarding refugees and asylum-seekers.

5. The Committee welcomes Malta's declaration in 1998 with respect to article 14 of the Convention.

C. Concerns and recommendations

6. The Committee is concerned that article 4 of the Convention is not fully covered by the legislation. The State party is recommended to take into account all aspects of article 4 in the elaboration of the new legislation and to review its declaration in relation to this article, made upon ratification of the Convention.

7. Although only a few cases of offences of a racial nature are reported, the Committee recommends that the State party investigate them carefully and take steps to prevent such incidents.

8. While noting the legislation covering many aspects of article 5 of the Convention, the Committee is concerned that the report does not sufficiently describe how this legislation is applied in practice and requests the State party to include such information in the next report.

9. It is noted with concern that there have been claims of racial discrimination in housing, particularly as regards rental accommodation. It is recommended that the State party review the situation of rental accommodation with a view to ensuring non-discrimination, and provide additional information on this matter in its next periodic report to the Committee.

10. Concern is expressed that the Employment Commission of Malta is empowered to consider only allegations of discrimination based on political opinion. It is recommended that the State party consider expanding the scope of the competence of the Commission to cover all aspects of racial discrimination.

11. The State party is encouraged to increase its efforts in disseminating information about the duties and responsibilities of the Ombudsman, as well as about the procedure for launching complaints concerning racial discrimination.

12. It is noted with concern that the new Police Code (Malta Police Force Act) provides that officers found to have treated persons in a discriminatory manner in the course of their duties are subjected to disciplinary action only. It is recommended that the State party take the necessary measures to ensure that criminal charges are brought against police officers for acts violating the provisions of the Convention.

13. The State party is invited to provide additional information on the criteria for granting temporary as opposed to permanent refugee status, specifically as regards European and non-European asylum-seekers. The State party is also invited to provide additional information

on the implementation of the recently enacted legislation regarding refugees and asylum-seekers and the effect of the recent withdrawal by Malta of the geographical limitation clause relating to non-European refugees.

14. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6 of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States parties to the Convention.

15. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. The Committee further recommends that the State party's next periodic report, due on 26 June 2000, be an updating report and that it address the points raised during the consideration of the combined thirteenth and fourteenth periodic reports.